



CFN 2003R0329848  
DR Bk 21273 Pgs 3667 - 3671; (5pgs)  
RECORDED 05/22/2003 09:55:27  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

This instrument prepared by:  
Jerry B. Proctor, Esq.  
Bilzin Sumberg Baena Price & Axelrod LLP  
2500 First Union Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131-2336

(Space Reserved for Clerk)

**DECLARATION OF RESTRICTIONS**

*KNOW ALL BY THESE PRESENTS* that the undersigned, Owner(s) of the following described property (the "Property"), lying, being and situated in Miami-Dade County, Florida, to-wit:

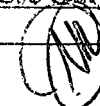
SEE EXHIBIT "A"

*IN ORDER TO ASSURE* the County that the representations made by the owner during consideration of Public Hearing No. 02-265 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That the Property will be developed with no more than 180 residential units.
- (2) That the Building Height will not exceed five (5) stories.
- (3) That a minimum of twenty (20%) percent of the units will be occupied by persons utilizing Section 8 vouchers for financial assistance.

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3/13/2003

County Use Only  
Legal Verified

  
(Public Hearing)

2400

## **Declaration of Restrictions**

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**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida or other procedure permitted under the Miami-Dade County Code, whichever by law has jurisdiction over such matters, after public hearing, if required. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Department of Planning and Zoning, or his or her successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to

**Declaration of Restrictions**

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or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

**Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is-complied with.

**Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

**Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect.

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost to the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a resolution approving the application.

[SIGNATURE ON NEXT PAGE]

Declaration of Restrictions

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Signed, witnessed, executed and acknowledged this 28 day of March, 2003.

Witnesses:

Print Name: JOANNE LOWMAN

Print Name: OLGA LEE-CHEN

S&D Land Development, Inc.

By:

Print Name: M. TURNER

STATE OF Florida  
COUNTY OF Dade } ss:

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of March, 2003 by M. TURNER, as President of S&D Land Development, Inc., who is personally known to me or produced a valid driver's license as identification.



Concepcion Lechado  
My Commission CC950655  
Expires June 28, 2004

My Commission Expires:

Notary Public

Sign Name:

Print Name: CONCEPCION LECHADO

Serial No. (None, if blank): NONE

[NOTARIAL SEAL]

**Declaration of Restrictions**  
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**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Commence at the Northeast corner of Tract 27 of REVISED PLAT OF WEST LITTLE RIVER, Plat Book 34, page 19; thence S89°59'48" for 25.11' to the Point of beginning of the hereinafter described parcel of land; thence S89°59'48"E along the S/ly right-of-way line of NW 78 Street for 548.66' to a Point of tangency of a circular curve to the left concave to the Southeast having a radius of 25' and a central angle of S89°59'54" for 39.27'; thence S0°0'18"W along the E/ly right-of-way line of NW 22 Avenue for 392.1'; thence N89°55'20"E to a point along the W/ly right-of-way line of NW 21<sup>st</sup> Avenue for 596.97'; thence N0°15'10"W along the W/ly right-of-way line of NW 21<sup>st</sup> Avenue for 391.15' to a Point of tangency of a circular curve to the left concave to the Southwest having a radius of 25' and a central angle of 90°14'58" for 39.38' to the Point of beginning.

## **OPINION OF TITLE**

**To: Miami-Dade County Department of Planning and Zoning**

With the understanding that this Opinion of Title is furnished to Miami-Dade County Department of Planning and Zoning, Florida, as inducement for acceptance of a Declaration of Restrictions (the "Declaration") covering the real property hereinafter described, it is hereby certified that we have examined First American Title Insurance Company's Commitment No. 1062-74022 with an effective date of August 21, 2002 at 8:00 a.m. (the "Commitment") and as updated by First American Title Insurance Company's search updates through and including January 24, 2003 at 8:00 a.m. and Attorneys' Title Insurance Fund, Inc.'s ATIDS search from January 24, 2003 through February 12, 2003 (collectively, the "Search Updates"), with respect to the following described real property:

See Schedule "A" attached to and made a part of this Opinion.

Basing our opinion solely on the Commitment and the Search Updates, we are of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

**S&D LAND DEVELOPMENT, INC., a Florida corporation**

NOTE: For Limited Partnership or Joint Venture, indicate parties comprising the Limited Partnership or Joint Venture and identify who is authorized to execute.

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. **RECORDED MORTGAGES:**

NONE

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

Final Judgment filed September 19, 1997 in Official Records Book 17796, at Page 429.

3. **GENERAL EXCEPTIONS:**

(A) All taxes, if applicable, for the year in which this Opinion is rendered, unless noted below that taxes have been paid.

(B) Rights of persons other than the above owner who are in possession.

(C) Facts that would be disclosed upon accurate survey.

(D) Any unrecorded labor, mechanics' or materialmens' liens.

(E) Zoning and other restrictions imposed by governmental authority.

4. **SPECIAL EXCEPTIONS:**

(A) Any lien provided by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.

(B) Notice of Lien – Code Enforcement filed by Miami-Dade County on August 7, 1998 in Official Records Book 18223, at Page 3827.

(C) Notice of Lien – Code Enforcement filed by Miami-Dade County on July 28, 1997 in Official Records Book 17728, at Page 4401.

(D) Claim of Lien for Lot Clearing Expense filed by Miami-Dade County on April 10, 1995 in Official Records Book 16742, at Page 2590

(E) Claim of Lien for Lot Clearing Expense filed by Miami-Dade County on April 10, 1995 in Official Records Book 16742, at Page 2589.

(F) Tax Sale Certificate No. 27418 - 2001 real estate taxes for Tract 27.

(G) Tax Sale Certificate No. 27108 - 2000 real estate taxes for Tract 27.

(H) Tax Sale Certificate No. 27444 - 1999 real estate taxes for Tract 27.

(I) Tax Sale Certificate No. 24182 - 1998 real estate taxes for Tract 27.

(J) Tax Sale Certificate No. 25828 - 1997 real estate taxes for Tract 27.

(K) Tax Sale Certificate No. 27419 - 2001 real estate taxes for Tract 29.

(L) Tax Sale Certificate No. 27109 - 2000 real estate taxes for Tract 29.

(M) Tax Sale Certificate No. 27445 - 1999 real estate taxes for Tract 29.

(N) Tax Sale Certificate No. 24184 - 1998 real estate taxes for Tract 29.

(O) Tax Sale Certificate No. 25829 - 1997 real estate taxes for Tract 29.

(P) Tax Sale Certificate No. 37048 - 1993 real estate taxes for Tract 29.

(Q) Dedications contained on the Plat of West Little River, recorded in Plat Book 14, at Page 75.

(R) Dedications as contained in Plat of Revised Plat of West Little River Book 34, at Page 19.

ALL RECORDING REFERENCES ARE AS TO THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, UNLESS OTHERWISE SPECIFIED.

Therefore, it is our opinion that the following parties must join in the Declaration in order to make the agreement a valid and binding covenant on the lands described herein.

Name	Interest	Special Exception Number
S&D Land Development, Inc. Miami-Dade County	Fee Simple Lienor	4(B), (C), (D) and (E)

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing in the Florida Bar.

Respectfully submitted this 31st day of March, 2003.

SHUTTS & BOWEN LLP

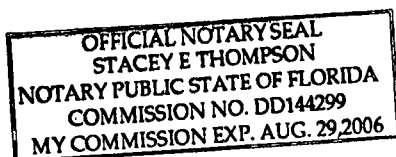
By: \_\_\_\_\_

Robert Cheng  
Florida Bar No. 0462772

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me this 31st day of March, 2003, by Robert Cheng, who is personally known to me.



\_\_\_\_\_  
Stacey E. Thompson  
Notary Public



## SCHEDULE A

All of Tracts 27 and 29, as shown on the REVISED PLAT OF WEST LITTLE RIVER, according to the Plat thereof as recorded in Plat Book 34, Page 19, of the Public Records of Miami-Dade County, Florida, together with all that part of Northwest 77<sup>th</sup> Terrace and Northwest 77<sup>th</sup> Street, lying East of West line of Tract 29, extended North and South across said Street and Terrace and lying West of East line of said Tract 29, extended North and South across said Street and Terrace, all as shown on recorded plat of the REVISED PLAT OF WEST LITTLE RIVER, according to the Plat thereof, recorded in Plat Book 34, Page 19, of the Public Records of Miami-Dade County, Florida.